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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,417	12/24/2001	Denis J. Stemmler	F-428	2989

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EXAMINER

MILLER, WILLIAM L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/683,417

Applicant(s)

STEMMLE, DENIS J.

Examiner

William L. Miller

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3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Invention II, namely claims 7-25, in Paper No. 3 is acknowledged. The traversal is on the ground(s) that there would be no serious burden on the examiner if the restriction were not required. This is not found persuasive as per MPEP§803 a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP§808.02. As stated in the previous Office action, Inventions I and II have acquired a separate status in the art as shown via their different classifications. Accordingly, the requirement is still deemed proper and is therefore made FINAL. Claims 1-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 09-19-2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the "publication" date of the reference is unknown. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for detecting the presence of mail must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Claims 7-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 7, line 2, the phrase "the mailbox" lacks antecedent basis.

6. The preamble of claims 8-25 is inconsistent with the preamble of claim 7.

7. It is unclear if the "controller" recited in claim 8, line 2, is referencing the "controller" previously recited in claim 7, line 3.

8. It is unclear if the "decontamination cycle" recited in claim 8, line 2, is referencing the "decontamination system" previously recited in claim 7, line 3.

9. Regarding claim 17, it is unclear how the system includes a variable frequency microwave beam source and an ultraviolet light source.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 7, 8, 16, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefani et al. (US#2245762).

12. Stefani discloses a decontamination assembly comprising: a cabinet 1 having a door 6, the cabinet/door assembly capable of performing as a mailbox; a decontamination system, namely UV lamps 23; a controller, timer, and power supply collectively housed at 62; a display 17,18; a door lock 12 operatively connected to the controller; and a separation frame 5 providing dividers capable of separating mail pieces.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stefani in view of Tamaoki et al. (US#6255103).

15. Stefani fails to disclose the door providing a hermetic seal when closed as claimed by the applicant. Tamaoki discloses a similar decontamination assembly wherein housing 10 includes door 13 which provides a hermetic seal when closed. Therefore, as taught by Tamaoki, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stefani by utilizing a door which provided a hermetic seal when closed thereby enhancing the operating safety of the system.

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stefani in view of Matschke (US#5498394).

17. Stefani fails to disclose the detection means as claimed by the applicant. Matschke discloses a similar decontamination assembly wherein a sensor/switch 24 (col. 6, lines 38-45 and col. 8, lines 27+) provides a means for detecting the presence of an article placed within housing 1, the detection means operatively connected to a controller. Therefore, as taught by Matschke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stefani by including a detection means operatively connected to the controller thereby enhancing the operating efficiency of the system.

18. Claims 11-15 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefani.

19. Regarding claims 11-15 and 17-24, Stefani fails to disclose the various specific decontamination systems as claimed by the applicant. However, as admitted by the applicant throughout the specification, these various decontamination systems are known. Further, the applicant has not disclosed the specific type of decontamination system is a critical feature of the invention. Therefore, it would have been an obvious matter of engineering design choice to modify Stefani by utilizing the various claimed decontamination systems since the applicant has

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not disclosed that the specific type of decontamination system solves any stated problem or is for any particular purpose, and it appears Stefani would perform equally well with any suitable decontamination system.

*Conclusion*

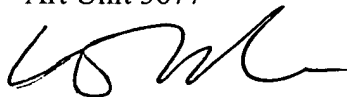
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9326 for regular communications and 703 872 9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

William L. Miller  
Examiner  
Art Unit 3677



wlm  
October 9, 2002